

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ALLAN PARMELEE,

Plaintiff,

v.

WASHINGTON STATE DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

Case No. C07-5567 FDB/KLS

ORDER GRANTING PLAINTIFF'S
MOTION FOR EXTENSION OF
DISCOVERY AND FOR SERVICE
OF COMPLAINT

This civil rights action has been referred to United States Magistrate Judge Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1)(B) and Local MJR 3 and 4. Presently before the Court is Plaintiff's motion to extend discovery and deadline to serve the remaining unserved defendants. (Dkt. # 15). Alternatively, Plaintiff states that he will voluntarily dismiss his case and re-file it to restart the deadlines. *Id.* Having carefully reviewed Plaintiff's motion, reply and supporting documents (Dkt # 18, 19), and Defendants' opposition (Dkt. # 16), the Court finds that a short extension of time shall be granted.

I. DISCUSSION

Plaintiff originally filed his complaint in Thurston County Superior Court on September 10, 2007, alleging that Defendants violated his constitutional rights to due process and free expression. (Dkt. # 1, Notice of Removal). Defendants removed this action to this Court on October 16, 2007.

1 The Court issued its Pretrial Scheduling Order on October 26, 2007, setting a discovery deadline for
2 April 25, 2008. (Dkt. # 4).

3 Plaintiff complains that he needs additional time for discovery and to serve the remaining
4 unserved defendants. To date, Plaintiff has served only seven of the nineteen named defendants.
5 (Dkt. # 16, p. 4). Although Plaintiff has had approximately six months to effect service and conduct
6 discovery, he complains that Department of Corrections' limits on postage and communications
7 hampers his ability to properly accomplish personal service. (*See e.g.*, Dkt. # 18, pp. 1-2).

8 Because the Court sees no real prejudice to Defendants at this stage in the litigation in a
9 short continuance in the service and discovery deadlines, it will grant Plaintiff a sixty day
10 continuance to effect service of the remaining unserved defendants. After service has been effected,
11 additional time to complete discovery will necessarily be required as to those newly served
12 defendants.

13 However, Plaintiff is advised that no further extensions will be granted unless Plaintiff
14 provides the Court with specific details of his service efforts. Plaintiff must detail exactly what
15 steps he has taken as to each individually named defendant, what service attempts were made, *e.g.*,
16 on what date(s), what address(es), etc., before any further extension of Rule 4(m) will be granted.
17 As to the discovery deadline, Plaintiff must first confer with opposing counsel regarding any
18 discovery issues, including extensions of time, prior to requesting relief from the Court as required
19 by Local Rule 37(a)(2). Plaintiff must specifically state what discovery he seeks and must
20 diligently pursue discovery during the extension now granted.

21 Accordingly, it is **ORDERED** that:

- 22 (1) Plaintiff's motion to extend the discovery and Rule (m) deadlines (Dkt. # 15) is
23 **GRANTED**;
- 24 (2) Plaintiff shall serve all remaining unserved defendants by **June 13, 2008**; and
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1 (3) The parties' discovery deadline shall be extended to **July 11, 2008**; an amended
2 scheduling order shall issue.

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4 DATED this 15th day of April, 2008.

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7 Karen L. Strombom
8 United States Magistrate Judge
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